United Nations CRPD/C/AZE/QPR/2-3

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic report of Azerbaijan*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about:

(a) Measures taken to ensure compliance of the constitutional amendments adopted in September 2016 and the recently adopted Law on the Rights of Persons with Disabilities with the Convention, and to repeal derogatory language against persons with disabilities from the State party's legislation and policies;

(b) Disability assessment, and whether organizations of persons with disabilities are involved in the design of assessment, whether multiple assessment methods exist and whether disability assessment is regularly reviewed;

(c) Measures taken to incorporate disability-based discrimination in domestic legislation and policies, and to amend or repeal legal frameworks that contain derogatory terms to refer to persons with disabilities;

(d) Participation and involvement of persons with disabilities through their representative organizations in the implementation and monitoring of the Convention since January 2014;

(e) Funds available and information accessible to organizations of persons with disabilities, including organizations of women with disabilities, organizations of children with disabilities and organizations of persons with intellectual disabilities, in public decision-making processes;

(f) Measures being taken to adopt sign language as one of the languages of the State party.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information about:

(a) Progress made to date in developing legal and policy measures to address disability-based discrimination in general and multiple forms of discrimination faced by women and girls with disabilities in particular;

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

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(b) Measures taken to date to holistically ensure the protection of the rights of persons with disabilities belonging to ethnic and religious minorities, and initiatives undertaken to ensure their full inclusion in society.

Women with disabilities (art. 6)

3. Please provide information about:

(a) Measures taken to ensure that gender and disability perspectives are included in legislation and policies, in all areas of life and in all spheres covered by the Convention, and that they effectively address risk and marginalization factors that are specific to women and girls with disabilities;

(b) Legislative and policy measures aimed at preventing multiple and intersecting forms of discrimination against women and girls with disabilities, including domestic and sexual violence, and measures to eradicate such discrimination and to ensure that affected women and girls with disabilities effectively obtain justice and redress;

(c) Measures taken to guarantee the sexual and reproductive health and rights of women and girls with disabilities;

(d) The number of reported cases of sexual violence against women and girls with disabilities, and the number of prosecutions and convictions, disaggregated by year since 2013, age, type of impairment, offence and sanction.

Children with disabilities (art. 7)

4. Please provide information about:

(a) Progress made to date in registering children with disabilities and in collecting reliable data on children with disabilities living in residential institutions, disaggregated by sex and type of impairment;

(b) Measures taken to prevent the institutionalization of children with disabilities, and the development of inclusive and community-based services for children with disabilities and their families;

(c) Support measures for children with disabilities experiencing violence, especially girls with intellectual disabilities and children with psychosocial disabilities who are at risk of becoming victims of sexual abuse, and the training of professionals working with them since January 2014.

Awareness-raising (art. 8)

5. Please elaborate on:

(a) Steps being taken to implement awareness-raising campaigns targeting public and private actors about the rights of persons with disabilities, including a human rights-based approach to disability, reasonable accommodation and the need to eliminate disability-based discrimination, and actions taken to ensure that persons with disabilities and their representative organizations are involved in campaigns;

(b) The development of national strategies and action plans on awareness-raising and related budget and timelines of these campaigns;

(c) Measures taken to disseminate and implement the Committee's general comments on articles 4.3, 5, 6, 9, 12, 19, 24, and 33.3 of the Convention in accessible formats, with the participation of organizations of persons with disabilities.

Accessibility (art. 9)

6. Please provide information about:

(a) Measures taken to ensure an accessible environment for persons with disabilities, including the design of buildings and structures, the improvement of transportation, and other measures taken in the sphere of information and communications technology across all the regions of the State party, and particularly in rural areas;

(b) Measures taken to provide training for different stakeholders in the public and private sectors on accessibility and universal design, and to involve organizations of persons with disabilities in the design and provision of that training.

Right to life (art. 10)

7. Please inform the Committee about the number of persons with disabilities who have died while institutionalized, whether these deaths have been investigated and what measures have been taken to protect the life of persons with disabilities, in particular persons with intellectual disabilities, and persons with psychosocial disabilities living in institutions. Please also provide information about measures taken to address substandard living conditions in psychiatric and residential institutions.

Situations of risk and humanitarian emergencies (art. 11)

8. Please inform the Committee about legal provisions and measures in place for the protection and safety of persons with disabilities in situations of risk, and for the prevention of such situations. Please include information about the involvement of organizations of persons with disabilities in the design and implementation of disaster risk strategies and plans.

Equal recognition before the law (art. 12)

9. Please update the Committee on the progress made in amending the Civil Code in order to replace substituted decision-making with supported decision-making for persons with disabilities, in accordance with the Committee's recommendations (see CRPD/C/AZE/CO/1, para. 27).

Access to justice (art. 13)

10. Please provide information on measures taken to guarantee accessibility to the judicial system and to provide procedural accommodation and legal aid during legal procedures, particularly for persons with intellectual disabilities, persons with psychosocial disabilities, and deaf and hard-of-hearing persons. Please also provide information on measures taken to train judges and other professionals in the judicial system on the implementation of the Convention.

Liberty and security of the person (art. 14)

11. Please provide information about measures taken to repeal the provisions of the Criminal Code, the Law on Protection of Health of the Population and the Law on the Rights of the Child that allow for the deprivation of liberty on the basis of impairment and the institutionalization of persons with intellectual disabilities, persons with psychosocial disabilities and persons with hearing impairments.

12. Please provide information on any steps taken to oppose the adoption of the draft additional protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine given that the protocol infringes on several provisions of the Convention on the Rights of Persons with Disabilities, to which the State is a party, and in particular article 14.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

13. Please inform the Committee about the situation of persons with disabilities arrested and detained on grounds of impairment or health-related reasons, or involuntary or non-consequential treatment in psychiatric institutions, and the use of chemical restraints and electroshock methods during "treatment".

14. Please inform the Committee about measures taken to address cruel and inhuman conditions in institutions, as described by the Working Group on Arbitrary Detention in its report on its mission to Azerbaijan in 2016 (A/HRC/36/37/Add.1). Please provide specific

information on the number of complaints for ill-treatment filed by persons with disabilities in the past five years, and the outcome of such complaints.

Freedom from exploitation, violence and abuse (art. 16)

15. Please inform the Committee about legislative and practical measures taken to prevent violence against persons with disabilities, to protect them from violence and to ensure that they can obtain redress, including compensation.

16. Please provide the Committee with the number and percentage of persons with disabilities who have been victims of violence and abuse, and the number of complaints and of criminal investigations opened and completed in the past five years, and with information about the measures in place to monitor human rights violations in residential institutions, including the involvement of independent human rights-based institutions and/or mechanisms.

Protecting the integrity of the person (art. 17)

17. Please describe the mechanisms in place to protect the integrity of persons with disabilities and the measures that have been taken in this respect, especially with regard to persons who cannot express themselves.

Living independently and being included in the community (art. 19)

18. Please provide the Committee with information about the measures taken since 2014 to develop support for living independently and included in the community, including personal assistance. Please also provide data, disaggregated by sex, age, ethnicity and type of impairment, about persons living in residential institutions. Please provide information on the road map for their deinstitutionalization and progress made to date, including with regard to the human, technical and financial resources allocated to that purpose.

Personal mobility (art. 20)

19. Please inform the Committee about measures taken to provide affordable assistive devices to persons with disabilities, and to facilitate access to public transport and improve the personal mobility of persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

20. Please inform the Committee about measures taken to promote access to information for persons with visual or hearing impairments. Please also provide information on measures specifically taken to guarantee the accessibility of Easy Read or other alternative and augmentative modes of information and communication for persons with disabilities needing such services throughout the regions of the State party.

21. Please also indicate whether systemic measures, such as plans, budgets and timelines, have been taken to facilitate access to information in print and electronic formats for persons with disabilities.

Respect for home and the family (art. 23)

22. Please provide information about the measures being taken to prohibit disability-based discrimination in adoption procedures and to repeal article 120 and other provisions of the Family Code that deny persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities, their rights to marry and adopt. Please inform the Committee about measures taken to ensure that persons with disabilities can exercise their rights and responsibilities with regard to marriage, family, parenthood and relationships, including adoption of children, on an equal basis with others.

Education (art. 24)

23. Please update the Committee on the progress made through the implementation of the inclusive education programme (2018–2024), including its achievements and shortcomings. Please also indicate whether there are any plans for a midterm review of the

programme, and for persons with disabilities and their representative organizations to be involved in such a review process.

Work and employment (art. 27)

24. Please inform the Committee on measures being taken to increase the employment of persons with disabilities in the open labour market. Please also provide figures on women and men with disabilities involved in any initiatives or programmes aimed at improving access to work and employment.

25. Please describe the administrative measures, legal or otherwise, in place to enforce the quota system for the employment of persons with disabilities, including measures to address universal rejection upon request of persons with disabilities to have access to loan services for their business. Please provide specific information about the sanctions for public and private entities that do not conform to decision No. 213 of the Cabinet of Ministers.

26. Please provide information on progress made towards the effective implementation of the obligation of employers to provide reasonable accommodation for employees with disabilities.

Participation in political and public life (art. 29)

27. Please inform the Committee about the progress made to date in ensuring the effective participation of persons with disabilities in political and electoral processes and their attendant participation in public affairs since 2014. Please indicate how many persons with disabilities have been elected and/or appointed to public offices/positions since 2014.

28. Please describe the measures taken or envisaged to improve the accessibility of polling stations for all persons with disabilities.

29. Please clarify whether persons with intellectual disabilities may stand for elections and participate in public affairs mechanisms, and inform the Committee about any Easy Read or other accessible information provided to them on the right to participate in political and public life.

Participation in cultural life, recreation, leisure and sport (art. 30)

30. Please update the Committee on the progress made to date in ensuring equal access for and recognition of persons with disabilities in sports and cultural life, and on measures in place to train leisure and cultural personnel in providing disability-friendly services for persons with disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

31. Please inform the Committee on plans to establish mechanisms to systematically collect and analyse disaggregated data on persons with disabilities, in accordance with the Convention. Please indicate whether the State party intends to include the Washington Group Short Set of Questions on Disability in the forthcoming census of 2019. Please also describe how organizations of persons with disabilities are engaged and how their collaboration is sought throughout the processes for data collection, including for censuses and surveys.

International cooperation (art. 32)

32. Please describe the measures taken to include persons with disabilities and their representative organizations in the design and implementation of international cooperation agreements. Please also describe how organizations of persons with disabilities are involved in the process towards the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

National implementation and monitoring (art. 33)

33. Please provide information on:

(a) The State party's coordination mechanisms and/or focal points to ensure implementation of the Convention in all sectors at the national and regional levels;

(b) The mandate and work carried out by the Human Rights Commissioner of Azerbaijan to monitor the implementation of the Convention;

(c) The steps taken to address the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and to strengthen the Office of the Human Rights Commissioner of Azerbaijan to effectively and independently discharge its mandate in accordance with the Paris Principles.